

14MINUTES
BOARD OF ADJUSTMENT
SEPTEMBER 3, 2015

ROLL CALL:

Liza Streett	Louis Clayton, Planner
Mary DeBenedetti	Ken Heinz, Acting City Attorney
Mel Disney	
Rick Bliss	
Chairman Gary Soule	

The minutes of March 5, 2015 were presented for approval. Liza Streett noted that her last name was misspelled a few times. Chairman Soule noted that there are three names (witnesses) that are referenced and he believes there were only two witnesses at the meeting. Approval of the minutes was tabled.

Chairman Soule welcomed everyone to the meeting and noted that there is one matter up for consideration this evening and that there was a full complement of the Board (5 members). All Board members and city staff introduced themselves.

Appeal from Donna and Dave Thackrey, 445 Oakley Drive

Chairman Soule verified that the applicant was in attendance. Mr. Thackrey informed the members that his wife should be joining him soon.

Chairman Soule informed Mr. Thackrey that his wife can be sworn in later if she decides to speak.

Those wishing to speak were sworn in by Louis Clayton, Planner.

Chairman Soule announced that there are five members in attendance tonight.

Chairman Soule asked if the City had any exhibits to present.

Acting City Attorney Heinz presented the following exhibits:

1. City of Clayton Zoning Ordinance and City Master Plan
2. Application for Zoning Review and Denial Letter
3. Application for Appeal
4. Drawings submitted by applicant
5. Staff Report

Chairman Soule asked the applicant if he had any objections to these exhibits being made part of the record.

Mr. Thackrey replied "no".

Chairman Soule announced that these exhibits would be entered into the record.

Mr. Thackrey explained that in March of this year, a building permit was issued by the City's Building Official Steve Larson for the construction of a deck. They proceeded with deck construction and the final inspection was conducted and approved last month. He stated that during that process, he tried to get approval for the pergola, but ran into issues regarding setback. He informed the members that Mr. Larson had not required a site plan drawing for the deck and therefore, setbacks were not considered. The Building Official (Steve Askins) required a site plan for the pergola, which he subsequently got and turned in. Bart Alspaugh (new Building Official) denied the pergola because of the infringement over the setback. He noted that the pergola is no larger than the deck with the exception of 6" for decorative purposes. He stated that it is basically a wind sunscreen. He referenced the documents he submitted for this Board.

Chairman Soule asked if any Board members had any questions.

Liza Streett asked if the top of the pergola will meet with the top of the roof. She asked if it is about 8.5 – 9 feet high.

Mr. Thackrey indicated that it's probably more like 7 feet.

Liza Streett asked if the pergola will impair the view from his neighbors' windows.

Mr. Thackrey stated that should not be an issue and that he could get something in writing from them stating that they have no objection to this pergola.

Liza Streett asked Mr. Thackrey if he plans to grow any vines or anything like that on the pergola.

Mr. Thackrey replied "no".

Rick Bliss referenced a retractable awning that was referenced as a possible alternative in the application.

Mr. Thackrey stated that the wood pergola would be a much more attractive feature and an awning would not offer any ventilation. He added that an awning would also need a variance.

Mel Disney asked about closing up the top.

Mr. Thackrey stated that they don't intend to close/cover the top.

Chairman Soule asked if Mr. Thackrey had any other comments.

Mr. Thackrey replied "no"

Donna Thackrey, co-owner, was sworn in by Louis Clayton. She informed the members that due to the Building Code requirements, the City required additional piers than what was shown on the original permit submittal, so they never had any intention of covering the top of the deck. She stated that the main purpose of the pergola is to provide shade to their sunroom and decoration.

Kevin Williams, 7394 Westmoreland, 63130 stated that the Thackreys have done a great job with the house since they moved in about 14 years ago, including adding French doors on the back of the house. He noted that the lot is wide in the front and narrows toward the back. He stated that there are other pergolas in the neighborhood and that they are very handsome. He stated that it makes sense to do this pergola and is in full support of this request.

Chairman Soule asked staff if the shape is irregular.

Louis Clayton stated that it is a fan shape; yes, irregular.

Chairman Soule asked if it would be difficult to construct a reasonably sized pergola on this site and meet setbacks as compared to regularly shaped lots.

Louis Clayton replied “yes”; noting that only a 7-foot pergola would meet setbacks.

Chairman Soule asked if staff believes that granting these variances would not constitute a detriment on the safety or welfare of the occupants or the community.

Louis Clayton replied “yes”.

Chairman Soule asked if staff believes the granting these variances would be a detriment to public safety.

Louis Clayton replied “no”.

Chairman Soule asked if granting these variances would have a negative impact on air or light.

Louis Clayton replied “no”.

Chairman Soule asked if staff concurs with the applicant’s assessment of the alternatives.

Louis Clayton replied “yes”.

Being no further questions or comments and hearing none from the audience, Chairman Soule called for a motion.

Liza Streett made a motion to approve a 0.5-foot variance from the required rear yard setback of 18 feet for the existing deck, a 13-foot variance from the required rear yard setback of 30 feet for the proposed pergola, and a 0.5-foot variance from the required side

yard setback of 5 feet for the proposed pergola. The motion was seconded by Mary DeBenedetti and unanimously approved by the Board.

Being no further business for this Board of Adjustment this evening, the meeting adjourned at 5:30 p.m.

Recording Secretary